IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF TOD BEDILION, Ph.D.
UNDER 37 C.F.R. § 1.132

I, TOD BEDILION, Ph.D., declare and state as follows:

1. In April, 1996, I became the first employee of Synteni, Inc., where I served as Research Director until its acquisition by Incyte Corporation in early 1998. After Synteni's acquisition, I continued in the position of Director of Corporate Development at Incyte until May 11, 2001. I am currently the Director of Business Development at Genomic Health, Inc., Redwood City, California and an occasional Consultant to Incyte.

2. Synteni was founded to commercialize expression microarrays, microarrays in which expressed nucleic acids -- full-length cDNAs, fragments of full-length cDNAs, expressed sequence tags (ESTs) -- are arrayed on a common support to permit highly parallel detection and measurement of the expression of their cognate genes in a biological sample.

3. During my employ at Synteni, virtually all (if not all) of my work efforts were directed to the further technical development and the commercial exploitation of that microarray technology; given the small size of our shop, most of us had both technical and commercial responsibilities. The customer accounts for which I was personally responsible included large pharmaceutical companies, such as SmithKline

Beecham, large biotechnology companies, such as Genentech, and small research institutes, such as DNAX Inc.

4. From my very first interaction with our customers, consistently through to Synteni's acquisition by Incyte, I heard uniform, consistent, and emphatic requests that more genes be added to the arrays. This was true with respect to both our original microarrays, based on customer-provided genes and libraries, and our later, "generic", gene expression microarrays, based upon the unigene clone collection (our so-called "UniGem" arrays). From day 1, the pressure on us was to print ever more spots on the array. It was ***never*** a question: our customers wanted ever more genes on the array, each new gene-specific probe providing incrementally more value to the customer.[1]

5. As a commercial enterprise, providing value to our customers was our major concern. Thus, to increase the value of our products and services in the marketplace -- to increase our ability to sell our microarrays and microarray services, their "salability" -- our efforts from the very beginning were devoted to increasing the number of specific genes whose expression could be detected with our microarrays.

6. Indeed, one of our major competitive advantages in the marketplace -- not just as regards other commercial suppliers, but also with respect to the innumerable laboratories and companies that were attempting to spot arrays in their own "home-brew" facilities -- was the number of

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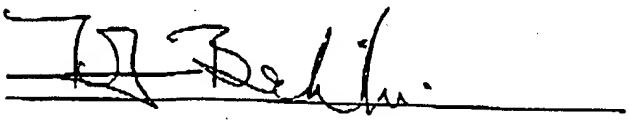
[1] I should note the customers were not asking for addition of probes specific to only those genes for which the biological function of the encoded gene product was known, but were asking for probes specific to any and all expressed genes.

distinct gene-specific probes that we provided on our expression microarrays. Our first 10,000 element UniGem array put the holy grail of gene expression analysis -- the human whole genome array -- within sight for the very first time (with respect to timing of the UniGEM program we began project planning and technology development in mid 1996 and delivered our first 10,000 element standard content human arrays in the first months of 1997 as I recall).

7. By the end of 1997, our efforts to provide the most comprehensive, and thus most valuable, human gene expression microarrays had been sufficiently successful that Incyte agreed to acquire Synteni for a reported $80 million.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of any patent application in which this declaration is filed or any patent that issues thereon.



Tod Bedilion, Ph.D.

10/20/03

Date

 LifeSeq Gold 5.1 Nov 2002

Program: blastp
Sequence ID(s):
3073609CD1 (LGflJAN2002p) vs. genpept138

NCBI-BLASTP 2.2.3 [May-13-2002]

Reference: Altschul, Stephen F., Thomas L. Madden, Alejandro A. Schaffer, Jinghui Zhang, Zheng Zhang, Webb Miller, and David J. Lipman (1997), "Gapped BLAST and PSI-BLAST: a new generation of protein database search programs", Nucleic Acids Res. 25:3389-3402.

Query= 3073609CD1
(132 letters)

Database: genpept138
1,601,536 sequences; 494,245,048 total letters

Searching.....done

Sequences producing significant alignments:	Score (bits)	E Value
g3355655 putative haemopoietic membrane protein [Mus musculus	219	5e-57

>g3355655 putative haemopoietic membrane protein [Mus musculus]
Length = 134

Score = 219 bits (559), Expect = 5e-57
Identities = 104/134 (77%), Positives = 121/134 (89%), Gaps = 2/134 (1%)

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Sbjct: 1   MDTSYPREDPRAPSSRKADAAAHTALSMGTPGPTPRDHMLWSVFSTMYLNLCCLGFLALV 60

Query: 59  YSIKARDQKVVGDLEAARRFGSKAKCYNILAAMWTLVPPLLLLGLVVTGALHLARLAKDS 118
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Sbjct: 61  HSVKARDQKMAGNLEAARQYGSKAKCYNILAAMWTLVPPLLLLGLVVTGALHLSKLAKDS 120

Query: 119 AAFFSTKFDDADYD 132
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Sbjct: 121 AAFFSTKFDEEDYN 134
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